

RESOLUTION

Date: June 5, 2012

Committee of Origin: Parks & Environment

Re: Damrosch Park.

Full Board Vote: 37 In Favor 4 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

1. Damrosch Park is a 2.44 acre park, owned by the NYC Dept. of Parks and Recreation ("NYC DPR"), situated at the southwest corner of the Lincoln Center campus, bounded by Amsterdam Ave. to the west, the Metropolitan Opera House to the north, the NY State Theatre to the east and West 62nd Street to the south. A prominent feature of Damrosch Park is the Guggenheim Bandshell, traditionally a much-loved venue for outdoor concerts, free and open to the public.

2. Since its dedication as a public park in May 1969, Damrosch has served a community of park users, which includes residents in adjacent apartment buildings, students from nearby university and college campuses and countless visitors to Lincoln Center, with a variety of active and passive recreational choices. The renowned landscape architect, Dan Kiley, was responsible for the design of Damrosch Park described in the DPR website as an "extensive layout of benches and planter beds." For many years, the landscape featured tall leafy trees surrounded by an array of flowering plants and shrubs.

3. In July 2010, the City, acting through NYC DPR, entered into a 10-year license agreement with Lincoln Center, as a result of which Lincoln Center has been permitted to contract with third-party concessionaires for various private, commercial, non-park-related uses of Damrosch Park. The concessionaires include the Mercedes-Benz Fashion Week, held twice a year, the Big Apple Circus and other sponsors of major exclusive, commercial events. One of the concessionaires operates from a very large tent in the middle of Damrosch Park for several months. This tent is rented out for commercial and charity events as well as for large private events.

4. Although Damrosch Park lies within the Community Board 7 district lines, neither the license agreement between the City and Lincoln Center, nor the various agreements between Lincoln Center and the third-party concessionaires, has ever been submitted to CB7 for approval or comment.

5. The unfortunate occupation of Damrosch Park by the Lincoln Center concessionaires since July 2010 has resulted in the virtual exclusion of the public from the park during much of the year, as well as the actual destruction of most of the landmark features of the park.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls upon Mayor Michael Bloomberg, the NYC Department of Parks and Recreation and Lincoln Center to take immediate steps:

- to consult with Community Board 7 prior to the negotiation, execution, renewal or operation of any agreement between DPR and Lincoln Center or its concessionaires that is likely to result in the substantial exclusion of the public from Damrosch Park
- to restore the landscaping in Damrosch Park to its early 2010 status and to replace the Damrosch Park signage and other indicia of Park Department ownership and control of a NYC public park;

- to ensure year-round access to Damrosch Park by its community of users;
- to protect the park atmosphere from excessive noise and fumes caused by the generators required to provide electricity to the concessionaires' events; to protect the surrounding community from excessively loud music levels emanating from the concessionaires' private late-night events, as well as from the noise and inconvenience caused by the incessant setting-up and dismantling of equipment for those events; and
- to consider other permanent sites in NYC for Fashion Week that would not impinge on the use of public park land by its natural community of users.

Committee: 9-0-0-0. Non-Committee Board Members: 2-0-0-0.

RESOLUTION

Date: June 5, 2012

Committee of Origin: Transportation

Re: 242 West 76th Street, The Milburn Hotel (Broadway-West End Avenue.)

Full Board Vote: 33 In Favor 1 Against 2 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request to the Department of Transportation to extend the loading zone in front of the hotel an additional 10 feet.
Committee: 7-0-1-0. Non-Committee Board Members: 3-0-0-0.

RESOLUTION

Date: June 5, 2012

Committee of Origin: Transportation

Re: West Side Transportation Study recommendations for curb extensions and channelization at the West 70th and West End Avenue intersection.

Full Board Vote: 35 In Favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

Community Board 7/Manhattan has endorsed efforts to improve pedestrian safety at the West 70th Street & West End Ave intersection and worked with the community on a series of recommendations that were embodied in a resolution of February 3, 2011.

The recently released West Side Transportation Study endorsed several of those recommendations and specifically endorsed the placement of three curb extensions at the intersection, as well as channelization on West 70th Street and limited daylighting at the NW and SW corners of West 70th Street & West End Avenue.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan endorses the West Side Transportation Study recommendations for curb extensions and channelization at the West 70th Street & West End Ave intersection, and

BE IT FURTHER RESOLVED THAT CB7 requests that NYC Department of Transportation:

- move quickly to use in-house capabilities to prioritize the installation of the curb extensions where no catch basins/drainage spots exist, and where catch basins do exist, work with the Community Board and our local officials to quickly estimate the cost and funding opportunities for the curb extensions,
- in addition to painting the curb extensions, utilize flexible plastic bollards to demarcate the curb extension area until permanent extensions can be constructed,
- complete the study for a modified Leading Pedestrian Interval (LPI) crossing at this intersection,
- add signage alerting motorists that "Roadway Narrows", and

BE IT FURTHER RESOLVED THAT, consistent with its prior resolution, CB7 calls for a 20mph speed limit on West 70th Street, between West End Avenue & Amsterdam Avenue.

Committee: 8-0-0-0. Non-Committee Board Members: 3-0-0-0.

RESOLUTION

Date: June 5, 2012

Committee of Origin: Transportation

Re: Ascension School's play street, West 107th Street (Broadway-Amsterdam Avenue.)

Full Board Vote: 23 In Favor 6 Against 1 Abstention 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

Construction is set to begin imminently at 241 West 107th Street, necessitating the end of the play street during construction.

The school has agreed to have monitors at both ends of the block, but particularly the Amsterdam Avenue end of the block, to move the barricades and allow Access-a-ride vehicles and other vehicles for mobility-impaired block residents to access the block during the operation of the play street. Several on-site reports indicate this agreement has not been fully implemented, resulting in residents having vehicles not able to access the block.

THEREFORE, BE IT RESOLVED THAT:

1. Community Board 7/Manhattan calls on Ascension School to IMMEDIATELY execute the necessary precautions to insure that the Amsterdam Avenue end of the block be staffed appropriately at all times the street is closed, with the monitor possessing two-way communication or cellular communication to insure the barriers will be moved whenever necessary.

2. CB7 calls on the Department of Transportation to suspend the play street as soon as construction on the building site begins.

3. CB7 urges DOT to bring any request by the Ascension School to re-open a play street on West 107th Street, West 108th Street or elsewhere, before CB7 prior to its being granted.

4. CB7 agrees work with all parties to insure a safe, secure, desirable place for Ascension School's children to play upon the beginning of the 2012-2013 school year.

Committee: 7-1-0-0. Non-Committee Board Members: 3-0-0-0.

RESOLUTION

Date: June 5, 2012

Committee of Origin: Transportation

Re: Newsstand, S/E/C Broadway & West 96th Street. Application # 1423810 to the Department of Consumer Affairs for a proposed newsstand at southeast corner of Broadway and West 96th Street.

Full Board Vote: 36 In Favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the proposed newsstand at the SE corner of Broadway & West 96th Street due to the narrow sidewalk created by the expanded 96th Street IRT subway station.

Committee: 8-0-0-0. Non-Committee Board Members: 3-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Preservation

Re: 162 West 72nd Street (Amsterdam Avenue.) Application #12-7504 to the Landmarks Preservation Commission to install a ramp and modify storefront infill.

Full Board Vote: 38 In Favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- The existing 3” terrazzo step will be removed, replaced by a terrazzo ramp with a 1:12 slope to make the office entrance ADA accessible.
- The existing metal and glass entry door will be moved back into the volume of the building, changed to a push-button-operated, 3-foot wide sliding aluminum and glass entry door.
- The Committee urges the applicant to look into methods of making the new entrance secure by installing a mirror or other device to improve visibility.

The Preservation Committee of Community Board 7/ Manhattan believes that new ramp and modifications to the existing storefront infill are minimally appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the ramp and modified storefront infill design with the strong recommendation to investigate measures to making the recessed entry space secure.

Committee: 5-0-1-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Preservation

Re: 53 West 72nd Street, d/b/a The Dakota Bar (Columbus Avenue.) Application #12-3667 to the Landmarks Preservation Commission for storefront replacement.

Full Board Vote: 36 In Favor 2 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- New wood and glass doors and solid wood panels to replace existing ceramic tile cladding, metal louvers and aluminum and glass doors and windows on the Columbus Avenue façade.
- New front door to be single, hinged outswinging door, recessed from the street.
- New full height, wood-framed windows to the north of the entrance are bi-folding, open into the space.
- Wood to be African mahogany, stained dark brown. Wood surfaces to incorporate architectural moldings.
- Other traditional details include surface-mounted “old world” style brass lanterns for exterior lighting, and bronze door pulls.
- No changes proposed for the existing enclosed storefront café enclosure on 72nd street.

The Preservation Committee of Community Board 7/ Manhattan believes that new storefront design is reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposed storefront design.

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Preservation

Re: 250 West 77th Street, The Belleclaire (Broadway.) Application #12-7548 to the Landmarks Preservation Commission to install a canopy and skylight.

Full Board Vote: 38 In Favor 0 Against 0Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- Proposed canopy to be modest in size: 10'-8" wide by 6 foot projection out by 8"-12" deep.
- Canopy design to be simple, deferring to recently-restored metal and glass conservatory façade. Steel structure to be attached to conservatory mullions.
- Canopy steel to be painted black to match conservatory. Canopy glass to be lightly frosted
- "BELLECLAIRE" letters to be mounted on top of the glass canopy, along its sides. Letters to be black. The Committee recommends that the font-style of the lettering on the sides of canopy be "Secessionist-inspired", in keeping with the Secessionist/ Beaux Arts architectural style of the building.
- Canopy to incorporate simple pinpoint downlighting affixed to canopy structure. Signage letters to be back lit.
- New metal and glass skylight will be constructed to replicate the building's original skylight.
- Skylight is set back from the street, not visible from the street.

The Preservation Committee of Community Board 7/ Manhattan believes that new entrance canopy and replicated skylight design are reasonably appropriate to the historic character of the designated building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the new entrance canopy design (with "Secessionist-inspired" signage font suggestion), and the skylight replica.

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Preservation

Re: 47 West 70th Street (Columbus Avenue – Central Park West.) Application #12-8912 to the Landmarks Preservation Commission to excavate the rear yard and construct rooftop and rear yard additions.

Full Board Vote: 34 In Favor 2 Against 2 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- Complete renovation of front façade, including cleaning and repointing existing brownstone and other masonry elements; replacement of windows with new double-hung wood windows; restoration of wood door; removal of through-wall air conditioners, filling in openings with masonry, brownstone cladding.
- Modification of existing rooftop addition, shifting bulk of structure back so it will no longer be visible from the street. Tan stucco cladding, with expanded area of metal and glass multi-paned fenestration at front and back facades.
- Rear yard addition to be full-width, 4-stories, set back 30 feet from rear property line, with 6-foot greenhouse projection at garden level.
- Rear-yard addition to be clad in red brick. Side facades to be solid brick. Rear façade to be narrow sections of brick framing large, central, multi-paned glazed openings, including sliding glass and steel doors and awning windows. The Committee recommends that the width of the brick frame at the sides be widened slightly to align with the width of the outer brick sections on the original top floor.
- Windows and doors to be thermally enhanced, using glass with low-E coating.
- Top floor of original rear-façade to remain in its existing location. Brick to be cleaned and restored. Two outer windows to be replaced with new double-hung wood windows; sill of center window to be lowered to create dor opening for opening for new wood and glass door. Through-wall air conditioners to be removed, holes filled in with masonry, brick-faced.
- Rear yard to be excavated to create expanded Cellar floor with interior pool. The Committee recommends that permeable paving materials and extensive plantings be used when the rear yard is re-created.
- Rear property-line wall to be re-built to 6 foot height, with adjacent 5-foot wide planting bed.

The Preservation Committee of Community Board 7/ Manhattan believes that façade restoration work, the modifications to the existing rooftop addition, and the design of the rear yard addition with suggested modification to the width of the brick frame outer sections are all reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the restoration of the front façade and the modification of the rooftop addition, and **approves** with suggested modification the proposed design of the rear yard addition.

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Preservation

Re: 25 West 88th Street (Columbus Avenue – Central Park West.) Application #12-9373 to the Landmarks Preservation Commission to construct rooftop and rear yard additions, alter rear facades, and replace windows.

Full Board Vote: 36 In Favor 0 Against 2 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- Entire house to be designed to be energy-“passive”, with triple-glazed windows, thermal insulation, tight envelope overall.
- Existing double-hung windows throughout front façade, and on two upper floors of rear facade to be replaced with new triple-glazed wood windows, painted black.
- Brick cladding at existing rear façade, including existing 3-story addition to be stripped and re-pointed. Existing corbelling detail surrounding existing third floor window to be retained when opening is enlarged into a door.
- Window openings at existing rear yard addition to be enlarged, extended around to east side facade. New triple-glazed wood casement windows and transoms to be installed, with wood spandrel panel between first and second floor window groups. All woodwork to be painted black.
- Existing areaway which projects 4 feet into yard will be enclosed with two-story wood and glass structure, housing stairs down to Cellar. Woodwork to be painted black.
- Rooftop addition to be set back, not visible from street. Red brick cladding, with black fascia at roof edge. Solid sides, large central glazed openings at front and rear facades..
- Single, small, quiet air conditioning unit to be located at center of roof on new rooftop addition, not visible from street.

The Preservation Committee of Community Board 7/ Manhattan believes that the window replacements, the rear yard facade renovation, rear-yard addition and rooftop addition designs are all reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposed front and rear façade windows, rear façade renovation, two story rear-yard addition, and rooftop addition.

Committee: 5-0-1-0. Non-Committee Board Member: 0-0-1-0.

RESOLUTION

June 5, 2012

Committee of Origin: Housing

Re: Int. 477: Tenants' Bill of Rights.

Full Board Vote: 34 In Favor 0 Against 2 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- Thousands of New York City tenants are taken advantage of every year due to their lack of knowledge of their existing rights. There exist landlords who use this knowledge gap to trick tenants who pay below-market rents into giving up their apartments, and to avoid providing essential repairs and services.
- Council Member Fernando Cabrera has introduced Intro. 477-2011 which would require every owner of a multiple-dwelling of 3 or more units to post and provide to all tenants with their leases a tenants bill of rights and impose civil penalties upon non-compliant owners.
- The bill will list major tenant rights pertaining to eviction, habitability, discrimination, heat and hot water, noise level, roommates, subletting, tenant organizations, as well as assistance for the elderly or disabled tenants. The bill will also refer tenants to the relevant agencies for detailed information about their rights and for reporting possible rights' violations.
- The final Bill of Rights will be translated and made available in all of the major languages in New York City.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan strongly endorses Intro. 477-2011 and calls for its passage by the New York City Council with all due haste.

Committee: 8-0-0-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

Re: Applications to the SLA for two-year liquor licenses.

Full Board Vote: 35 In Favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the following applications to the State Liquor Authority for a two-year liquor licenses:

- **208 Columbus Avenue** (West 69th Street) Birote Corporation, d/b/a To Be Determined.
Committee: 9-0-0-0. Non-Committee Board Members: 2-0-0-0.
- **507 Columbus Avenue** (West 84th Street) 507 Columbus LLC, d/b/a To Be Determined.
Committee: 8-0-0-1. Non-Committee Board Members: 2-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

Re: 215 West 94th Street (Broadway) Beverley Hotel Associates LLC, 94th Street Restaurant LLC, d/b/a Days Hotel / Serafina Restaurant.

Full Board Vote: 27 In Favor of Disapproval 6 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority for a two-year liquor license by Beverley Hotel Associates LLC, 94th Street Restaurant LLC, d/b/a Days Hotel / Serafina Restaurant at 215 West 94th Street.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

446 Columbus Avenue (West 81st Street) NYC1890 LLC, d/b/a To be Determined.

Full Board Vote: 34 In Favor 0 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority for a two-year liquor license by 446 Columbus Avenue, NYC1890 LLC, since the applicant agrees to include these stipulations in their method of operations:

- Hours of Operation as Sun.-Thurs. 8:30 a.m.– 12:30 a.m.; Fri./Sat. 8:30 a.m.-1:30 a.m.;
- Place sound insulation around periphery of skylight;
- Post a polite sign to request that customers be quiet when leaving the restaurant;
- Minimize outdoor congregation by maximizing use of interior space for waiting customers;
- Instruct staff to gently ask that customers not congregate or smoke in front of the restaurant;
- Instruct staff to minimize noise and refrain from smoking in the alley;
- Make the proprietor's and night manager's telephone numbers available to neighbors.

Committee: 9-0-0-0. Non-Committee Board Members: 4-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

Re: 2446 Broadway (West 90th Street)

Full Board Vote: 33 In Favor of Disapproval 0 Against 0Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** without prejudice the application to the State Liquor Authority for a two-year liquor license by Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

Re: 283 Amsterdam Avenue (West 73rd - 74th Street.)

Full Board Vote: 29 In Favor of Disapproval 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the petition to modify consent application DCA# 1321660 to the Department of Consumer Affairs by Nabucco, LLC, d/b/a Salumeria Rosi, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats instead of 7 tables and 15 seats, which modifies the application by adding 1.6 feet and increasing the aggregate size by 30 square feet.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

Re: Unenclosed Café Renewal Applications.

Full Board Vote: 30 In Favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following unenclosed café renewal applications:

- **241 Columbus Avenue** (West 71st Street.) Renewal application DCA# 0895637 to the Department of Consumer Affairs by Burrito Junction, Inc., d/b/a Harry's Burrito Junction, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 36 seats.
Committee: 9-0-0-0. Non-Committee Board Members: 2-0-0-0.
- **450 Amsterdam Avenue** (West 81st – 82nd.) Renewal application DCA #1341925 to the Department of Consumer Affairs by D & D Thai Restaurant, Corp., d/b/a, Land Thai for a two-year consent to operate an unenclosed sidewalk café with 5 tables and 11 seats.
Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.
- **483 Amsterdam Avenue** (West 83rd Street.) Renewal application DCA #1027927 to the Department of Consumer Affairs by Good Enough To Eat Uptown, LTD, Corp., d/b/a, Good Enough To Eat Uptown for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 15 seats.
Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.
- **2398 Broadway** (88th Street) Renewal application DCA #1351071 by Aged 88 Street, LLC d/b/a Age Bar N Grill for a two-year consent to operate an unenclosed café with 17 tables and 26 seats.
Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.
- **650 Amsterdam Avenue** (West 92nd Street.) Reapply application DCA# 1352255 to the Department of Consumer Affairs by Olivia Ava Corp., d/b/a Edgard's Café, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.
Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

Re: New Unenclosed Café Applications.

Full Board Vote: 30 In Favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan approves the following unenclosed café new applications:

- **422 Amsterdam Avenue** (West 80th Street.) New application DCA #1424906 to the Department of Consumer Affairs by Amelia B 1, Corp., d/b/a, Island Burgers & Shakes for a two-year consent to operate an unenclosed sidewalk café with 4 tables and 8 seats.
Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.
- **447 Amsterdam Avenue** (West 81st – 82nd.) New application DCA #1422698 to the Department of Consumer Affairs by Anemonas Rest Corp., d/b/a Amsterdam Diner, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 15 seats.
Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

June 5, 2012

Committee of Origin: Business & Consumer Issues

Re: 2726 Broadway (West 104th – 105th Street.)

Full Board Vote: 28 In Favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** re-apply application DCA# 1247774 to the Department of Consumer Affairs by McConner Street Holding, LLC, d/b/a McDonald's, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats.

Committee: 9-0-0-0. Non-Committee Board Member: 0-0-1-0.